

REMARKS

In the Final Office Action mailed March 22, 2006: claims 1, 4-6, and 21 were rejected under 35 USC 103(a) as anticipated by Pettitt (USPN 6,256,073); claims 7-17 and 20 were noted as allowable; and claims 2, 3, 18, and 19 were objected to as dependent on a rejected base claim but allowable if properly amended into dependent form.

A new Office Action needs to be issued, since the Examiner clearly examined an older claim set and not the claims from the Amendment and Response filed by mail under 37 CFR 1.8 on December 21, 2005. At the bottom of page 2 and the top of page 3 of the March 22, 2006 Office Action, the following language from an old version of claim 1 is repeated: “that is not uniform across the wavelength spectrum of visible light.” This language was deleted from claim 1 with the December 21, 2005 Amendment and Response and replaced with different language. In addition, new claims 22 and 23 were added in the December 21, 2005 Amendment and Response, yet these claims were not mentioned or treated in any fashion in the March 22, 2006 Office Action. The undersigned noticed this mistake and attempted to bring it to the Examiner’s attention by telephoning the Examiner on May 31, 2006. The Examiner could not be reached, but a substantive message was left on his voice mail explaining the problem, asking for a new Office Action, and asking for a return phone call. To date, no return call has been received and no new Office Action has been issued. The Office Action is required to be complete as to all matters. 37 CFR 1.104 (b); MPEP 707.07. This Office Action is not complete, as it does not include any treatment of claim 1 as most recently amended and does not include any treatment of claims 22 and 23. A new Office Action must be provided.

In preparing that new Office Action, the Examiner is asked to focus on the fact that there is no teaching or suggestion in Pettitt of the fourth segment having a transmittance that is

different at some wavelengths of visible light than at some other wavelengths of visible light. This is because Pettitt is attempting to minimize variances from assembled unit to another assembled unit, while the present invention is directed to improve efficiency and provide a desired color of light transmitted through the fourth segment of the color wheel.

Accordingly, it is respectfully submitted that claim 1 and dependent claims 4-6 are patentable. Claim 4 is further patentable because the spectral transmittance of the broadly-transmissive segment is attenuated in some portion of the wavelength spectrum of visible light. Claim 5 is further patentable because the spectral transmittance of the broadly-transmissive segment is notched in some portion of the wavelength spectrum of visible light. Pettitt does not teach or suggest any of these limitations.

Independent claim 21 is patentable in that the fourth segment in claim 21 is transmissive of non-uniform amounts of red, green, and blue light so as to provide a desired color of light transmitted therethrough. None of the prior art teaches or suggests a fourth segment that transmits non-uniform amounts of red, green, and blue light.

Applicants continue to believe that all claims are in condition for allowance and such disposition is respectfully requested. In the event that a telephone conversation would further prosecution and/or expedite allowance, the Examiner is invited to contact the undersigned.

Respectfully submitted,

MARSH FISCHMANN & BREYFOGLE LLP

By: /Robert G. Crouch/
Robert G. Crouch
Registration No. 34,806
3151 South Vaughn Way, Suite 411
Aurora, Colorado 80014
(720) 562-5506

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